



RECEIVED
SEP 28 2000

1638

PATENT

Docket No.: 19603/3296 (CRF D-2098B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bogdanove et al.

Serial No.: 09/596,784

Filed: June 19, 2000

For: HYPERSENSITIVE RESPONSE ELICITOR
FROM *ERWINIA AMYLOVORA*, ITS USE, AND
ENCODING GENE

Examiner:
Unknown

Art Unit:
1638

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:


Transmitted herewith in the above-identified application are:

- ☒ Submission of Corrected Combined Declaration and Power of Attorney Forms (with 2 corrected Combined Declaration and Power of Attorney Forms attached);
- ☒ Request for Corrected Filing Receipt;
- ☒ Second Preliminary Amendment; and
- ☒ A self-addressed, prepaid postcard for acknowledging receipt.

- ☒ The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 14-1138.

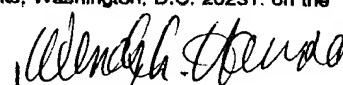
A duplicate copy of this sheet is enclosed.

Date: September 20, 2000


Edwin V. Merkel
Registration No. 40,087

Nixon Peabody LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (716) 263-1128
Facsimile: (716) 263-1600

R431539.1

Certificate of Mailing -- 37 CFR 1.8 (a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. on the date below.	
9/20/00	
Date	Wendy L. Harrold



PATENT
Docket No.: 19603/3296 (CRF D-2098B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bogdanove et al.

Serial No.: 09/596,784

Filed: June 19, 2000

For: HYPERSENSITIVE RESPONSE ELICITOR
FROM *ERWINIA AMYLOVORA*, ITS USE, AND
ENCODING GENE

Examiner:
Unknown

Art Unit:
1638

SUBMISSION OF CORRECTED COMBINED DECLARATION
AND POWER OF ATTORNEY FORMS


Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

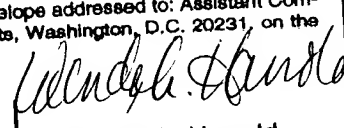
Applicants submit herewith copies of two **corrected** Combined Declaration and Power of Attorney forms as filed on May 11, 2000, in the parent application (U.S. Patent Application Serial No. 09/120,663) to the above-identified patent application.

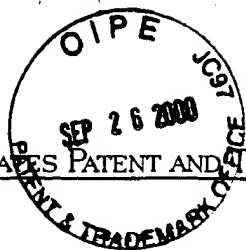
If any fees are due in regard to the submission of this Combined Declaration and Power of Attorney, please charge our Deposit Account No. 14-1138.

Date: September 20, 2000


Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (716) 263-1128
Facsimile: (716) 263-1600

Certificate of Mailing - 37 CFR 1.8 (a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.	
9/20/00	
Date	Wendy L. Harrold



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/596,784	06/19/2000	1638	345	19603/3296 (CRF D-2098B)	5	18	1

FILING RECEIPT



OC000000005382929

Michael L Goldman
Nixon Peabody LLP
Clinton Square
P O Box 31051
Rochester, NY 14603

Date Mailed: 09/07/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Adam J. Bogdanove, Ithaca, NY ;
Jihyun Francis Kim, Ithaca, NY ;
Zhong-Min Wei, Kirkland, WA ;
Steven V. Beer, Ithaca, NY ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A DIV OF 09/120,663 07/22/1998
WHICH CLAIMS BENEFIT OF 60/055,106 08/06/1997 *
(*) Data inconsistent with PTO records.

Foreign Applications

60/055,106 08/06/1997

If Required, Foreign Filing License Granted 08/10/2000

** SMALL ENTITY **

Title

Hypersensitive response elicitor from Erwinia amylovora, its use, and encoding gene

Preliminary Class

435

Data entry by : SAHLE, ALMAZ

Team : OIPE

Date: 09/07/2000

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231